Appln. No.: 10/024,441
Amendment dated April 7, 2006
Reply to Office Action of January 10, 2006

REMARKS/ARGUMENTS

The office action of January 10, 2006, has been carefully reviewed and these remarks are responsive thereto. No claims have been amended. Claims 1-8 and 19-26 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 103

The Office Action maintains the previous rejections:

- Claims 1, 5-8, 19, and 23-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tuexen et al. ("Requirements for Reliable Server Pooling," hereinafter Tuexen) in view of Aull (U.S. Pat. No. 6,898,710).

- Claims 2-3 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tuexen in view of Aull, and further in view of Callaghan et al. (U.S. Pat. No. 5,737,523, hereinafter Callaghan).

- Claims 4 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tuexen in view of Aull and Callaghan, and further in view of Yamamoto (U.S. Pat. No. 6,816,860).

While Applicant maintains the previous arguments, Applicant believes that prosecution is best furthered by pointing out that, even if combined, the combined references do not teach or suggest all the limitations of any claim.

For example, claim 1 recites "requesting access *to a legacy application* via a proxy pool element; *registering said legacy application with said proxy pool element*; and selecting a legacy server to provide said legacy application to the client." (emphasis added). While Tuexen may describe the use of a proxy server in general, Tuexen does not describe using the proxy server for requesting access to a legacy application. Instead, the proxy server in Tuexen is used by a legacy client to request access to services provided by *non-legacy servers* in an ENRP server pool. The Office Action admits as much, and instead relies on Aull for describing legacy applications, which is address below.

In addition, Tuexen does not teach or suggest registering any application, much less a legacy application (the application to which access is requested), with a proxy server, as claimed. First, the applications providing services in Tuexen are not legacy applications. Second, the

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server with which the applications in Tuexen register are not even proxy servers, but rather are ENRP servers. These deficiencies are not cured by Aull.

The Office Action cites Aull for the proposition that Aull describes legacy servers and clients. Even assuming this is true, and even if the references are combined, the servers, i.e., applications, in the server pools of Tuexen do not register with a proxy server. That is, if the references are combined (which Applicant maintains is improper), the Office argues that the server pools in Tuexen would then contain legacy servers or legacy applications. Even if that were they case, those legacy applications still do not register with a proxy pool element, as · claimed. Only the legacy client registers with a proxy server.

Claim 1 and all claims dependent therefrom are allowable.

Claim 19 recites similar features relied upon above, and is thus also allowable, along with its dependent claims.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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